REMARKS

As a preliminary matter, Applicant has amended claim 76 to remove the extraneous reference number (24) to comply with the Examiner's request on page 13 of the Office Action.

The Examiner rejected claims 56, 74, 77 under 35 U.S.C. §112 asserting that the specification does not support that the network sends the selected complementary multimedia effect "along with an **indication** of a predetermined event." *Office Action*, p. 5, ll. 1-2 (emphasis in original). To address the Examiner's concerns, Applicant has amended claims 56, 58, 73-74, 77, and 95 to delete the term "indication."

The Examiner also rejected claim 80 (which is now incorporated into claim 77) under 35 U.S.C. §112 asserting that the specification does not support "re-sequencing the activation order of the complementary multimedia effects." *Id.* at 3-5. However, lines 6-14 on page 7 of the specification state that once an effect is selected, the picklist may be "shuffled" or re-sequenced and another effect chosen." In light of the amendment and evidence of support in the specification, Applicant respectfully requests that the Examiner withdraw the §112 rejections.

Turning now to the remaining rejections, claim 77 has been amended to include the subject matter of its dependent claims 80 and 83, which the Examiner rejected as being obvious over Elliott in view of Deeds. As amended, claim 77 calls out an entity at a wireless communications network that stores one or more picklists of complementary multimedia effects. Each picklist is associated with a particular category of predetermined events that are sent to the wireless communications device. The entity selects complementary multimedia effects from an appropriate picklist for transmission along with the predetermined event to the wireless communications device, where it is rendered for the user. The entity further re-sequences the activation order of the picklist so that a new complementary multimedia effect may be sent to the wireless communications device upon a subsequent predetermined event.

Elliott does not teach or suggest that a network entity re-sequences the activation order of the complementary multi-media effects in the picklist, and selects a new effect for transmission to the wireless communications device along with a subsequent predetermined event. Rather, Elliott discloses that a controller (18) in the user terminal randomly selects a ring tone from its memory. *Elliott*, ¶[0085]. Moreover, this random selection is done by the controller after receipt of the received call signal. *Elliott*, ¶[0075]. In Deeds, a mobile station renders a randomly selected ring tone to the user in response to receiving an event. According to Deeds, "the [mobile station] controller 80 retrieves the set of ringing tones and chooses a ringing tone *after* the mobile station 10 receives the call alert." *Deeds*, ¶0051. Thus, whatever Elliott and Deeds teach regarding random selection of a ring tone occurs entirely within the realm of the user terminal and not until after receipt of an incoming call signal from the network.

Further, there is no motivation to modify Elliott with Deeds as the Examiner asserts. The Examiner postulates that because Deeds teaches randomly selecting ring tones, it would be obvious to modify Elliott with Deeds "to ensure the proper notification with each incoming event." *Office Action*, p. 19, ll. 1-2. However, this motivation fails scrutiny. Both Elliott and Deeds disclose random selection of a ring tone at the user terminal. Further, the terminals of both Elliott and Deeds (as well as most other mobile phones) already use ring tones to ensure "proper notification with each incoming event," regardless of how the ring tones are selected or ordered. Therefore, Deeds does nothing to enhance the functionality that Elliott already performs. Respectfully, the alleged motivation to combine is conclusory and not supported by the references themselves. Neither Elliott nor Deeds teaches or suggests, alone or in combination, amended claim 77.

The Examiner also rejected claims 56 and 74 under §103(a) as being obvious over Elliott in view of Gargiulo. Claims 56 and 74 have been amended to call out that a user of the wireless communications device partitions the memory into first and second partitions. The
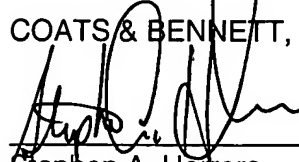
partitions have user-defined sizes, which may be the same or different. Complementary multimedia effects selected from a picklist by the network entity are sent to the wireless communications device along with a predetermined event and temporarily stored in the first partition. The wireless communications device moves the complementary multimedia effect from the first partition to the second partition depending upon whether the user wishes to save the complementary multimedia effect. The user-configurable partitions permit users to dedicate as much, or as little, memory as the user thinks is needed for each partition. *Spec.*, p. 10, ll. 18-23.

The Examiner admits that Elliott does not disclose first and second partitions in memory, and thus, cannot teach or suggest that a user partitions the memory according to user-defined sizes. Besides, Elliott actively <u>deletes</u> acoustic information from memory as soon as the network recognizes "that [a] call has been answered or terminated." *Elliott*, ¶0077. Thus, after the call is answered, Elliott does not maintain the acoustic information long enough for the user to approve or decline keeping the acoustic information. Gargiulo discloses downloading media files from a server for temporary storage in volatile memory, and saving the file to non-volatile memory if the user accepts the media files. Gargiulo does not teach or suggest that the user partitions the memory, and in fact, never discusses how the volatile and non-volatile memory are configured. Accordingly, neither Elliott nor Gargiulo teaches or suggests, alone or in combination, each element of amended claims 56 and 74. Therefore, the §103 rejection fails as

a matter of law.

Respectfully submitted,

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